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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,226	11/12/2003	John W. Rohrer		6313

7590 07/13/2005
John W. Rohrer
5 Long Cove Rd.
York, ME 03909

EXAMINER

LEGESSE, NINI F

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,226

Applicant(s)

ROHRER, JOHN W.

Examiner

Nini F. Legesse

Art Unit

3711

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address ~
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17 and 18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12, 15 and 17 is/are rejected.
7) ☒ Claim(s) 13, 14 and 18 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's response to the last office action is acknowledged on 06/09/05. A new non-final office action is provided below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 9 are indefinite because it appears that Applicant is claiming the different embodiments of his invention together. As shown on Figs. 1-3 the base element (5) is only attached to the face of the putter. However, on the second embodiment of the instant application, the base element (30) is attached to the putter with element 32 that is considered a flexible hinge on page 11 of the instant application. It is not clear how the embodiment as shown in Figs. 1-3 of the instant application is capable of being flexibly attached to the club head.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3711

Claims 1, 2, 5, 7, 8, 9, 10, 15, and 17 rejected under 35 U.S.C. 102(e) as being anticipated by Hambly (US Patent No. 6,579,191).

With respect to claim 1, Hambly discloses a focused beam emitter (40), a holder (35), a base (27 or 22), base 27 or 22 are considered as being minimally visible, energy source (58), and activation means (54).

With respect to claim 2, the focused beam is a visible light (40).

With respect to claims 5 and 7, as shown on Figs. 1 and 6, the device is not physically attached to the putter.

With respect to claims 8 and 9, mechanical means (52) is capable of allowing the beam of the device to maintain its height or attitude relative to the ground.

With respect to claims 10 and 15, the device has a switch (54).

With respect to claim 17, target 80 is considered as a vertically oriented backstop screen.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3711

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hambly in view of Official Notice.

Hambly discloses the use of a laser source (40). However, the use of any other type of light mechanism including infrared, radio frequency or electro-magnetic sources would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the training device with any one of them since the examiner takes Official Notice of the equivalence of the above listed sources for their use in the golf art and the selection of any of these known equivalents to provide light in a training device would be within the level of ordinary skill in the art.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hambly. The device of Hambly appears to meet the claim (see laser actuation 50 in Fig. 2).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halsey in view of Ogden (US Patent No. 5,374,063).

Halsey fails to show a switch that is located on the grip section of the club. However, positioning a switch on the grip area is old in the golf art. Ogden is one reference among many that teaches a grip area switch location (see item 32 on Fig. 1). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to position switch (58) of the Halsey's invention at the grip area of the club in order to make the switch easily accessible to the user so that he/she would not have to bend to actuate the switch.

Allowable Subject Matter

Claims 13, 14 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

With respect to the argument regarding claim 6, Applicant appears to be claiming the different embodiments of his invention together. As shown on Figs. 1-3 the base element (5) is only attached to the face of the putter. However, on the second embodiment of the instant application, the base element (30) is attached to the putter with element 32 that is considered a flexible hinge on page 11 of the instant application. It is not clear how the embodiment as shown in Figs. 1-3 of the instant application is capable of being flexibly attached to the club head.

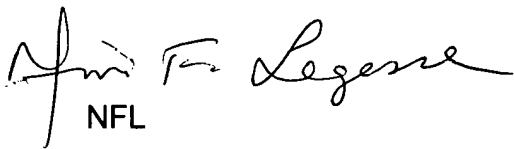
In response to applicant's argument that the Hambly's laser is not in the golf ball like element, referring to Fig. 6 element 35 is clearly a golf ball like element.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (571) 272-4412. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


NFL

07/11/05